



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-20-00231-CV

MORGAN SEEKATZ, APPELLANT

V.

JACOB BEATY, APPELLEE

On Appeal from the County Court at Law No. 1
Brazos County, Texas
Trial Court No. 20-001455-CV-CCL1, Honorable Amanda Matzke, Presiding

December 7, 2020

MEMORANDUM OPINION

Before QUINN, C.J., and PIRTLE and PARKER, JJ.

He never tells me that he's sick of this house
He never says why don't you get off the couch?
He don't cost me nothin' when he wants to go out
I want you to love me like my dog¹

¹ BILLY CURRINGTON, *Like My Dog, on ENJOY YOURSELF* (Mercury Nashville 2010).

Some make you howl. Some appeals are just gold to work on. This one is a dog, literally . . . named Nugget.² Morgan Seekatz and Jacob Beaty bought the golden retriever while romantically involved and attending Texas A & M. Eventually, the couple went separate ways but had one thread tying them, Nugget. Both wanted her, and that spawned Beaty to sue Seekatz for breach of contract, conversion, and civil theft. So too did he request temporary and permanent injunctive relief. The temporary injunction entered by the trial court dividing custody underlies this appeal. Among other things, Seekatz alleges it is void. We agree and reverse.³

Every order granting a temporary injunction must include a date for trial. *Gray Wireline Serv. v. Cavanna*, 374 S.W.3d 464, 472 (Tex. App.—Waco 2011, no pet.). Should it not, then it is void. *Id.*; accord *BSR Surf Resort, LLC v. Stabile*, No. 10-20-00006-CV, 2020 Tex. App. LEXIS 9015, at *4–5 (Tex. App.—Waco Nov. 18, 2020, no pet. h.) (mem. op.) (concluding that the temporary injunction was void because it failed to require a bond, set a trial date, and include specific findings of imminent harm or lack of a legal remedy). The order granting the temporary injunction at bar fails to set a trial date. Thus, it is void. We reverse it, dissolve its effect as a temporary injunction, and remand



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³ Because this appeal was transferred from the Tenth Court of Appeals, we are obligated to apply its precedent when available in the event of a conflict between the precedents of that court and this Court. See TEX. R. APP. P. 41.3.

the cause to the trial court. *Gray Wireline Serv. v. Cavanna*, 374 S.W.3d at 472 (so ordering).⁴

Brian Quinn
Chief Justice

⁴ “He’s been a good dog. My best friend right through it all. If I die before I wake . . . Feed Jake.” PIRATES OF THE MISSISSIPPI, *Feed Jake, on* PIRATES OF THE MISSISSIPPI (Capitol Records Nashville 1991). There is a reason why we call them “our best friend,” and their acceptance, loyalty, and love stand as examples to emulate.